

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Skype Communications S.A.R.L.)	RM-11361
)	
Petition to Confirm a Consumer's right to)	
Use Internet Communications Software and)	
Attach Devices to Wireless Networks)	

**COMMENTS OF THE
CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association respectfully submits these comments in response to the petition filed by Skype Communications S.A.R.L. ("Skype") seeking a declaratory ruling that the Commission's 1968 *Carterfone* decision applies to wireless networks.¹

I. Introduction

The Consumer Electronics Association (CEA) is the preeminent trade association promoting growth in the consumer technology industry through technology policy, events, research, promotion and the fostering of business and strategic relationships. CEA represents more than 2,100 corporate members involved in the design, development, manufacturing, distribution and integration of audio, video, mobile electronics, wireless and landline communications, information technology, digital imaging, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels. Combined, CEA's members account for more than \$140 billion in annual sales.

¹ Skype Communications S.A.R.L., Petition to Confirm a Consumer's Right to Use Internet Communications Software and Attach Devices to Wireless Networks, RM-11361 (filed Feb. 20, 2007) ("Petition").

II. The FCC's Broadband Policy Statement Applies to All Broadband Internet Access Services, Regardless of Platform

CEA believes that market-driven, facilities-based competition is the best way to promote rapid deployment of broadband technologies and increase consumer demand. Additionally, CEA firmly believes in the preservation of open and unfettered consumer access to content, service, applications and devices – all of which have fueled the phenomenal growth of the Internet.

CEA has long-supported the application of the broadband connectivity principles to all broadband Internet access services, regardless of platform.² In August 2005, the Commission formally recognized in a Policy Statement its support for these principles, including consumers' right to connect their choice of legal devices to the network as long as these devices cause no harm.³

On March 22, 2007, the Commission adopted a Declaratory Ruling classifying wireless broadband Internet access service as an information service.⁴ CEA supports this ruling. Questions have been raised, however, about the application of the *Policy Statement* to wireless broadband Internet access service. In light of these questions, we respectfully request that the Commission directly clarify that the *Policy Statement* does indeed apply to all broadband Internet access services, including wireless.

Furthermore, CEA recognizes that there are a number of marketplace restraints and technical issues, including network management that could potentially impact consumers' ability to attach devices of their choice to wireless broadband Internet access services. We believe that these complex issues warrant review and inquiry by the Commission. For this reason, we

² High Tech Broadband Coalition Letter to Chairman Powell, September 25, 2003, CS Docket No. 02-52; GN Docket No. 00-185; CC Docket Nos. 02-33, 95-20 & 98-10.

³ *In the Matter of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, Policy Statement, 20 FCC Rcd 14986 (2005) (“*Policy Statement*”).

⁴ *In the Matter of Appropriate Regulatory Treatment for Broadband Access to the Internet Over Wireless Networks*, WT Docket No. 07-53, Declaratory Ruling, FCC 07-30 (Rel. March 23, 2007).

believe that it is premature to issue a declaratory ruling in this instance to apply the *Carterphone*⁵ decision to wireless networks. Alternatively, we believe that the recently released *Notice of Inquiry* on Broadband Industry Practices provides a forum to examine issues related to application of the Commission's *Policy Statement* which includes wireless broadband Internet access services.⁶

III. Conclusion

In summary, CEA respectfully requests the Commission clarify that its August 2005 *Policy Statement* applies to all broadband Internet access services, regardless of platform. CEA believes that it is premature to issue a declaratory ruling to apply the *Carterphone* decision to wireless networks. Rather, we suggest that the Commission consider a full examination of the marketplace and technical restraints related to consumers' ability to attach nonharmful devices to wireless broadband Internet access services. The Commission's *Notice of Inquiry* on Broadband Industry Practices provides a forum to examine these issues.

Respectfully submitted,



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⁵ *In the Matter of Use of the Carterfone Device in Message Toll Telephone Service*, 13 FCC 2d 420 (1968).

⁶ *In the Matter of Broadband Industry Practices*, WC Docket No. 07-52, Notice of Inquiry, FCC 07-31 (Rel. April 16, 2007) (“*NOI*”).